

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ISAIAH J. KENNEDY,

Plaintiff,

V.

**EQUIFAX INFORMATION SERVICES
LLC, ET AL.,**

Defendants.

CIVIL ACTION NO. SA-23-CA-00470-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 104), along with Plaintiff's written objections (docket no. 105) thereto and Defendants Experian, Equifax, and Trans Union's response (docket no. 107) to Plaintiff's objections.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).


On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. For the reasons stated in the motion to dismiss and for attorneys' fees, the Report and Recommendation, and Defendants' response to Plaintiff's objections to the Report and Recommendation, the Court concludes the objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (contained within docket no. 104) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendants Experian, Equifax, and Trans Union's Opposed Motion for Court Order of Dismissal and Attorney's Fees (docket no. 95) is GRANTED IN PART AND DENIED IN PART as follows: Mr. Kennedy's claims against Defendants Experian, Equifax, and Trans Union are DISMISSED WITH PREJUDICE and the request for attorney's fees is DENIED WITHOUT PREJUDICE to refiling an amended fee motion with supporting evidence. This case remains referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 8th day of April, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE